

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PEGASYSTEMS INC.,

Plaintiff/Counterclaim-Defendant,

v.

APPIAN CORPORATION

Defendant/Counterclaim-Plaintiff

and

BUSINESS PROCESS MANAGEMENT, INC.,

Defendant.

Case No. 19-cv-11461-PBS-MPK

APPIAN CORPORATION'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant/Counterclaim Plaintiff Appian Corporation ("Appian") hereby respectfully moves for an order granting summary judgment dismissing each of the claims of Plaintiff/Counterclaim Defendant Pegasystems Inc. ("Pegasystems"). As grounds for this Motion, Appian relies upon the accompanying memorandum of law, the statement of undisputed material facts pursuant to Local Rule 56.1, the declarations of Michael Sochynsky, Adeel Mangi, and Mark Matheos and the exhibits annexed thereto, and all the prior proceedings herein, and states as follows:

1. Pegasystems' operative complaint asserts three claims, each of which arises from Appian's use and distribution of the BPM.com Report: (i) false advertising under the Lanham Act, 15 U.S.C. § 1125; (ii) violations of Mass. Gen. L. c. 93A §§ 2 and 11; and (iii) common-law commercial disparagement or injurious falsehood. *See* ECF 55 ¶¶ 55-69; 73-78.

2. To prevail on each of these claims, Pegasystems must establish that it suffered an actual injury that was proximately caused by the BPM.com Report.

3. As set forth in Appian's accompanying papers, Pegasystems has failed to adduce sufficient evidence from which a reasonable fact-finder could conclude that it suffered a cognizable injury proximately caused by the BPM.com Report.

WHEREFORE, for the foregoing reasons and those set forth in Appian's accompanying papers, Appian respectfully requests that the Court grant Appian's motion for summary judgment, and dismiss all of Pegasystems' claims with prejudice.

Dated: April 15, 2022

By: /s/ Adeel A. Mangi

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CERTIFICATION PURSUANT TO LOCAL RULES 7.1(a)(2)

I, Adeel A. Mangi, hereby certify pursuant to Local Rules 7.1(a)(2), that counsel for Appian and Pegasystems conferred in good faith in an effort to resolve the issue raised by this motion, but were unable to do so.

/s/ Adeel A. Mangi
Adeel A. Mangi

CERTIFICATE OF SERVICE

I, Adeel A. Mangi, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Adeel A. Mangi
Adeel A. Mangi